

Petition for Determination of Necessity
and Public Convenience pursuant to
G.L. c. 164, § 72 for TDK Properties, LLC.

In this proceeding, TDK Properties, LLC (“TDK”) has indicated that it proposes to construct temporary generating facilities of up to approximately 200 megawatts in the City of Everett and also construct a 115 kV transmission line of approximately 1,250 feet in length connecting those generation facilities to a substation owned and operated by New England Power Company d/b/a National Grid (“NEP”). In its petition noted above, TDK requests a determination from the Department of Telecommunications and Energy (the “Department”) that G.L. c. 164, § 72, which governs the authority of various entities to construct and use transmission lines, does not apply to the proposed transmission line. In the alternative, TDK requests authority to construct and use the transmission line pursuant to G.L. c. 164, § 72.

TDK Petition for Determination of Necessity and Public Convenience, p. 1.

BOS1583298.1

NEP takes no position on the merits of TDK's argument that since TDK is a wholesale generation company the proposed line is not subject to G.L. c. 164, §72. However, if and when the line is constructed, TDK plans to convey the line to NEP, which will then own and operate the line. As indicated in its petition to intervene, filed on even date herewith, NEP is an electric company and a transmission company under G.L. c. 164, § 1. NEP is subject to the Department's jurisdiction for certain siting and permitting purposes, and on numerous occasions has sought approval for its transmission lines from the Department under G.L. c. 164, § 72. New England Power Company, D.P.U. 89-163/89-164; New England Power Company, D.P.U. 92-78/80 (1992); New England Power Company, D.P.U. 92-278/279/280 (1994).

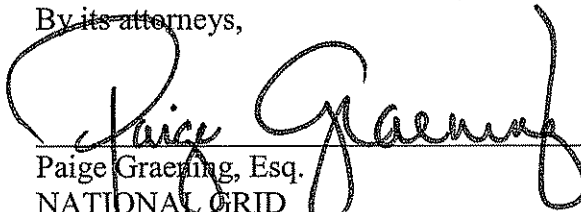
TDK has raised a question as to whether NEP would be required to seek authority under G.L. c. 164, §72 to operate the line after it is constructed. TDK Petition for Determination of Necessity and Public Convenience, p. 13. Given that NEP will ultimately own and operate the line if it is constructed, NEP suggests that the line should undergo review by the Department under G.L. c. 164, § 72 before it is constructed. In its petition, TDK argues that once TDK constructs the line, there would be no purpose in NEP, the new owner, seeking § 72 approval after construction is completed. However, as the ultimate owner of the line, NEP must be assured that all Department approvals applicable to NEP have been received, before assuming ownership of the line. In light of the fact that TDK has filed a petition requesting a comprehensive zoning exemption for the proposed project, including ancillary and interconnection facilities, from the Zoning By-Laws of the City of Everett, the most logical and practical time for the Department to review the proposed line pursuant to § 72 is in conjunction with the zoning exemptions that TDK is already seeking in this docket. This procedure will remove any doubt as to whether NEP must seek § 72 approval at the time it acquires the line and

can result in TDK obtaining all necessary Department approvals together. Moreover, it appears that the Department could review the proposed line under § 72 in conjunction with its review of the petition for a zoning exemption with little additional time and administrative burden.

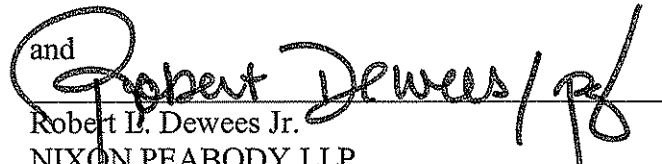
Respectfully submitted,

NEW ENGLAND POWER COMPANY

By its attorneys,


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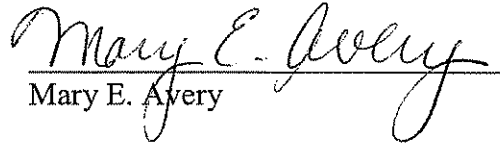
and


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Dated: April 10, 2006

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2006 I delivered a copy of the attached Response of New England Power Company d/b/a National Grid to the attorneys of record for TDK Properties, LLC in D.T.E. 06-32 by electronic mail and first class mail, postage prepaid.


Mary E. Avery

Dated: April 10, 2006